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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,827	10/02/2003	Keith C. Bottner	EMIC01-00003	9813
23990	7590	11/19/2007	EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/677,827	Applicant(s) BOTTNER ET AL.	
	Examiner Ramsey Refai	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Responsive to claims filed October 2, 2003. Claims 1-20 are now presented for examination.

Claim Objections

1. Claims 2 and 14 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Dependent claims 2 and 14, which depend on claims 1 and 13 respectively, teach wherein the transaction requests include personal billing information from the customer. However, this is contradictory to independent claims 1 and 13, which teach that the transaction requests do not include personal billing information for the customer. Dependent claims 2 and 14 therefore fail to limit the subject matter of their previous claims and are therefore improper dependents.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-12 are directed to electronic payment processing *systems* consisting of payment processing *controllers*, which as defined in pages 6-7 of the Applicant' s specification, can be software or firmware. Software per se claims do not fall within one of the four statutory classes of invention and are therefore non-statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ling (US Patent Publication 2002/0111907)

6. As per claim 1, Ling teaches an electronic payment processing system comprising:

a payment processing controller receiving, for an electronic sales transaction involving a customer and one or more vendors, separate transaction requests from a customer system corresponding to the customer and from one or more vendor systems corresponding to the one or more vendors (abstract, paragraphs [0069-0071]), wherein the transaction requests from the one or more vendor systems do not include personal billing information for the customer (paragraphs [0057, 0064, 0077]).

7. As per claim 2, Ling teaches wherein personal billing information for the customer is contained within the transaction request from the customer (paragraphs [0008-0009]).

8. As per claim 3, Ling teaches wherein personal billing information for the customer is contained within the electronic payment processing system and accessed based upon an identifier within the transaction request form the customer (paragraph [0073]).

9. As per claim 4, Ling teaches wherein the payment processing controller separately authenticates the transaction requests from the customer system and from the one or more vendor systems (paragraphs [0069,0073]).

10. As per claim 5, Ling teaches wherein the payment processing controller authorizes the electronic sales transaction based on information from both transaction requests (paragraph [0073]) .

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11. As per claim 6, Ling teaches wherein the electronic payment processing system processes micro-payments (paragraphs [0057, 0059]).
12. As per claim 7, Ling teaches wherein the electronic payment processing system employs a declining balance account for the customer (paragraphs [0070, 0028 0032,]).
13. As per claim 8, Ling teaches the customer system communicably coupled to the payment processing controller; the vendor system communicably coupled to the payment processing controller; at least one record relating to the customer; at least one record relating to the one or more vendors (fig 1); and one or more queues containing pending transaction requests, wherein the payment processing controller at least one of matches transaction requests upon receipt with transaction requests within the one or more queues and periodically searches for counterpart transaction requests within the one or more queues (paragraphs [0152-0153]).
14. As per claim 9, Ling teaches wherein the payment processing controller dynamically determines a payment amount for the electronic sales transaction from a pricing and terms policy defined by each of the one or more vendors (paragraph [0150]).
15. As per claim 10, Ling teaches wherein the payment processing controller resolves a payment for the electronic sales transaction across each of the one or more vendors transparently to the customer (paragraph [0153]).
16. As per claim 19, Ling teaches a method of processing electronic payments comprising:
receiving, for an electronic sales transaction involving a customer and one or more vendors, at least one transaction request from one or more of a customer system corresponding to the customer and one or more vendor systems corresponding to the one or more vendors (abstract, paragraphs [0069-0071]); and

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dynamically determining a payment amount for the electronic sales transaction from a pricing and terms policy defined by each of the one or more vendors (paragraphs [0150, 0152, 0153]).

17. As per claim 20, Ling teaches a method of processing electronic payments comprising:

receiving, for an electronic sales transaction involving a customer and one or more vendors, at least one transaction request from one or more of a customer system corresponding to the customer and one or more vendor systems corresponding to the one or more vendors (abstract, paragraphs [0069-0071]); and

resolving a payment for the electronic sales transaction across each of the one or more vendors transparently to the customer (paragraph [0153]).

18. As per claims 11-18, these claims contain similar limitations as claims 1-10 and 19-20 above and therefore are rejected under the same rationale.

Conclusion

The prior art made of record and not relied upon, which is considered pertinent to applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 3627
November 12, 2007
/RR/

 11/13/07
MICHAEL CUFF
PRIMARY EXAMINER